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REMARKS

This is in response to the Office Action dated January 16, 2007. In view of the foregoing amendments and following representations, reconsideration is respectfully requested.

By the above amendment, claim 1 is amended. Thus, claims 1-10 are currently pending in the present application. Note, support for the amendment to claim 1 can be found at least in Fig. 2A and at page 8, lines 18-20 of the specification as originally filed (page 8, lines 14-16 of substitute specification).

Next, in items 4-5 of the Office Action, the claims are rejected as follows:

Claims 1-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Olejniczak (U.S. Patent No. 2,542,561) in view of Busby (U.S. Patent No. 1,751,393). It is submitted that the present invention, as embodied by the amended claims, now clearly distinguishes over the Olejniczak and Busby references for the following reasons.

The present invention, as defined in claim 1, now requires a bubble gauge for determining a level of the telescoping arm. The bubble gauge is mounted at a position that corresponds to a reference line of graduations of the slide scale that is movable by telescoping a telescoping arm. With the claimed bubble gauge, while the telescoping arm 3 is telescoped so as to be level, the degree of an inclination of an object to be measured, with respect to a vertical direction, can be measured by the graduations of the slide scale.

Olejniczak discloses a level compass which may be employed with a conventional compass. As acknowledged by the Examiner, Olejniczak lacks a slide scale that is movable by telescoping a telescoping arm. The Examiner describes Olejniczak as including "*a main body*

frame (3) that is to be arranged along a vertical face to be measured (column 13, lines 10-13)".

However, Olejniczak is not arranged along a vertical face to be measured and the reference numeral and cited text do not appear to be consistent with the applied reference. Clarification is requested.

In an attempt to cure the deficiency of Olejniczak, the Examiner applies the Busby reference and concludes that it would have been obvious to "*modify the level instrument of Olejniczak, so as to include a slide scale that is movable by telescoping a telescoping arm, as taught by Busby, so as to provide additional measurement accuracy during measurement of a surface.*"

The railroad track gauge of Busby includes a slide scale (19) that is provided with graduations but does not have a bubble gauge (spirit level). Note, in Busby, the spirit level 44 is mounted on the beam 10, and the spirit level 44 is provided for measuring the level of the beam 10 which is not extensible. Clearly, the spirit level is not positioned so as to correspond to the reference line of the scale 19.

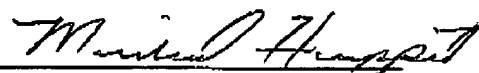
Further, the slide scale 19 of Busby is provided for the purpose of measuring a distance from a level surface in a vertical direction. Therefore, there would not have been any reason to provide a bubble gauge (spirit level) on the slide scale of Busby. Accordingly, it would not be possible to measure the level of a telescoping arm by incorporating the Busby slide scale in the level compass of Olejniczak.

In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to enter the above amendment and pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

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